

The Local Government Commission and County Borough Extensions

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The Local Government Commission for England has so far (March 1963) published four final reports: the first covered the West Midlands Special Review Area;¹ the second the West Midlands General Review Area;² the third the East Midlands General Review Area,³ and the fourth the South Western General Review Area.⁴ From them one can see how the Commission is interpreting the instructions it received from the Minister of Housing and Local Government,⁵ and notably those regulations dealing with the expansion of county boroughs.⁶ By examining the treatment given by the Commission to the claims for expansion put forward by Stoke, Coventry,⁷ Luton, Leicester, Northampton,⁸ Bristol, Gloucester, Cheltenham, Bath, Exeter, Torbay and Plymouth,⁹ other county boroughs will be enabled to guess at the consideration their claims will receive, at what areas they can hopefully expect to see incorporated within their boundaries, at what areas will remain outside, and they will see which arguments they can hopefully pursue and which to avoid.

THE GENERAL INSTRUCTIONS TO THE COMMISSION

The Minister instructed the Commission to have regard to effective and

¹*Report and Proposals for the West Midlands Special Review Area*. H.M.S.O. London. May 1961.

²*Report and Proposals for the West Midlands General Review Area*. H.M.S.O. London. May 1961. Cited later as *W.M.R.*

³*Report and Proposals for the East Midlands General Review Area*. H.M.S.O. London, July 1961. Cited later as *E.M.R.*

⁴*Report and Proposals for the South Western General Review Area*. H.M.S.O. London. January 1963. Cited later as *S.W.R.*

⁵*Statutory Instrument 1958 No. 2115*. Local Government, England and Wales. The Local Government Commission Regulations 1958. Made 21 November 1958: into operation 12 December 1958. H.L.G. 7601. Cited later as *S.I.* 2115.

⁶*Ibid.*, para. 11.

⁷*W.M.R.*

⁸*E.M.R.*

⁹*S.W.R.*

convenient local government in the whole of the review area, not merely in the individual areas of local government, and to consider the needs of related review areas. It must also pay attention not only to the circumstances of the areas as they exist at the time of the examination but also to the future circumstances, consequent upon the fulfilment of development plans. When assessing effectiveness, the Commission must consider whether the size and distribution of the population and rateable value, and the administrative boundaries provide adequate resources and scope for the efficient and economical discharge of all the functions exercisable by local authorities. The Commission stated the criterion of 'effectiveness' as follows:

'To be effective, in our judgement, an authority must be able to provide for itself comprehensive services of high quality over the whole range of its functions. It is not enough that an authority is able to provide the minimum requirements imposed by statute or regulation, it must have the capacity to go beyond those minimum requirements, to develop new aspects of services and to have in hand reserve capacity with which to meet the needs of the future. We live at a time of steady development in the social services and of technical change. An effective local authority should and would be capable of meeting any new demands made upon it and of adapting itself to the changing conditions with which it is likely to be faced' (*E.M.R.*, p. 8).

When assessing convenience the Minister requires the Commission to have regard to the number, size, shape and boundaries of the local authorities, the travelling facilities within and between them, their effect on local services and on the access of council members and the public to the local administrative centres.

On the last point the Commission has said:

'The Act itself requires us to consider the convenience of local authority areas. This means the need to have authorities that are reasonably "local", that is, accessible geographically and responsive to local needs and feelings. Most people think of this in terms of authorities that are not too big, not too far away and made up of elements that are not too diverse. It is clear to us from our examination of a number of counties of different size and make-up that there is no one prescription for convenience. There are many different ways in which counties seem to us to achieve satisfactory local government. County government is, moreover, in the rural areas a three tier structure, with the districts and parishes supplying a valuable local foundation' (*E.M.R.*, p. 18).

Nine factors are listed in the Minister's directive for the Commission to take into account; their order is alphabetical and not indicative of importance.

- (a) community of interest;
- (b) development and expected development;
- (c) economic and industrial characteristics;

- (d) financial resources measured in relation to financial need;
- (e) physical features including suitable boundaries, means of communications and accessibility to administrative centres and centres of business and social life;
- (f) population – size, distribution and characteristics;
- (g) record of administration of the local authorities concerned;
- (h) size and shape of the areas of local government;
- (i) wishes of the inhabitants.¹

The Commission's attitude to the final factor was revealed in the East Midlands Report, when it stated that

'We have taken the views of the inhabitants into account . . . but we should never have been given our present task if the final conclusion were not to depend on wider considerations as well, including the opportunities we have of comparing one authority with another in respect of all the factors which must be taken into account.'²

THE SPECIFIC INSTRUCTIONS TO THE COMMISSION

These were the general instructions to the Commission; factors it is to have in mind when examining all areas. But for the particular problem of the expansion of county boroughs it received specific instructions, contained in paragraph 11 of the Local Government Commission's Regulations, 1958. It must consider whether an area, to which a county borough lays claim, is not only 'substantially a continuation of the town area' but also if it has 'closer and more special links' with the county borough than 'those which necessarily arise from mere proximity'. It must consider whether land not yet built-up would, if a development plan were carried out in the future, be a continuation of the town area, and finally it is to consider whether there would be 'a balance of advantage' in any change to the inhabitants of the county borough and the county district, and its effect on the organization of the county and the county districts remaining within it. The implication of these instructions is that the burden of proof lies with the county borough to justify its claim for expansion. And the scales are further weighted against county boroughs by the following attitude of the Commission:

'One of the considerations uppermost in our minds where issues relating to extensions of county boroughs were in doubt has been the need to have strong counties capable of providing progressive comprehensive services' (*E.M.R.*, p. 19).

These instructions severely circumscribe the scope of the Commission: they 'exclude altogether some lines of approach' and 'result, when applied

¹SI 2115, para. 7.

²*E.M.R.*, p. 19. See also *S.W.R.*, p. 34. 'Our duty is not to follow such preferences automatically but rather to have regard to them amongst a number of factors.'

to particular cases, in limited adjustments to county borough boundaries.¹ Given a different set of regulations, a case could have been made out for taking the county borough boundaries much further, to include in the town all the existing suburban and satellite development and enough open land to provide for all future development. 'Our approach, however, is governed by the regulations and they do not lead to such a conclusion.'² Two further general assumptions have governed the recommendations of the Commission. Firstly, they have accepted the premise that both one-tier and two-tier systems have their proper places in the local government structure, and that the one-tier system is appropriate for large towns. Thus the Commission when looking at the town and the suburbs has only to decide 'what should be the future area of the town.'³ Secondly, the Commission has accepted the proposition that 'a county council is a more suitable guardian of land in a green belt than a county borough council, whose problems are predominantly urban.'⁴ But that does not mean that 'no land in a green belt should under any circumstances be included within a county borough.'⁵ Certain sections of green belt have been granted to county boroughs, but only in very small pieces, and for special reasons.

THE GENERAL CLAIMS OF THE COUNTY BOROUGHS

The county boroughs in the areas already surveyed wished to expand into roughly two types of territory: (a) developed land, either the result of the county borough spreading outwards, or of outlying villages so expanding that they had reached the outskirts of the county borough, or villages and towns separated from the county borough by undeveloped land, but which shared a community of interest with the county borough; and (b) undeveloped and green belt land, desired by the county borough for future development or to preserve as open space.

Claims to Developed Land

To annex built-up land the county boroughs produced numerous arguments. They claimed that the areas they wished to absorb were physically indistinguishable from areas already within the boundary, and that the former were continuations of the latter.⁶ Both the areas had common needs and faced common problems, and this community of interest was indicated by the flow of people from the suburbs into the town for work, to

¹*E.M.R.*, p. 97, *W.M.R.*, p. 59.

²*E.M.R.*, p. 97, *W.M.R.*, p. 58.

³*E.M.R.*, p. 97, or as they say in *W.M.R.*, p. 59, 'What really is, or will be the area of the town'.

⁴*W.M.R.*, p. 19, p. 34. See also *W.M.R. Special Review Area*, pp. 48-49.

⁵*W.M.R.*, p. 34.

⁶*W.M.R.*, pp. 16, 32, 34. *E.M.R.*, pp. 76, 87. *S.W.R.*, pp. 12, 13-14, 28, 48, 58.

shop, for professional services, for entertainment or culture, and by the provision in the suburbs of local government services based upon the county borough.¹ Although admitting that some of the suburbs possessed strong local feelings, the county boroughs argued that areas already within their boundaries had similar feelings, which had not been diminished by incorporation.² They claimed that the outlying areas had lost their original separate identity and had become dormitory suburbs for the town,³ and that the inhabitants of these suburbs, who made use of many of the town's facilities, should be brought back into the town to contribute to the rates.⁴ This return of the emigrant population would ensure a more balanced distribution of the classes within the towns, which without them had tended to become one class towns, particularly of lower class people,⁵ and their return would enable many young and worthy citizens to serve on the council, from which they had been debarred previously by non-residence.⁶ The county boroughs argued that extensions of their boundaries would make for more efficient and convenient local government. Existing boundaries were largely meaningless and artificial, without an economic or social basis, and people were therefore confused by the number of authorities operating services within a homogeneous area, and were annoyed by the disparities in the standards of these services.⁷ A one-tier system over the whole of the area would result in more efficient and comprehensible services, which could be more effectively planned.⁸ The economies of large scale organization would be obtained, and increased caseloads would mean that more specialized staff would be recruited, especially in the education and health services.⁹ Residents in the suburbs would further benefit from the administrative headquarters being closer at hand.¹⁰ Local government would be convenient, and a wasteful duplica-

¹ *W.M.R.*, pp. 16, 19, 32, 34. *E.M.R.*, pp. 63, 76. *S.W.R.*, pp. 5, 13, 28, 47, 58.

² *S.W.R.*, p. 47.

³ *E.M.R.*, p. 76.

⁴ *W.M.R.*, pp. 32, 34.

⁵ *W.M.R.*, p. 16.

⁶ *E.M.R.*, p. 88. See also *West Midlands Special Review Area Report*, p. 19. The Commission noted the movement of population from the county boroughs of the Black Country to the outer areas. Younger families, needing a house and garden, with space for the children, and most often in the higher income groups were moving out of the big towns. 'As a result, the county boroughs . . . are beginning to lose variety in the social and economic make-up of their populations. This is bad for the vigour of local government and reduces the supply of voluntary leadership of all kinds. It means that the larger authorities have difficulty in finding councillors of sufficient calibre to make the best use of the authority's potentialities, while first-class people who have moved to the outer areas either take no interest in local government or find themselves, as members of the smaller authorities, with too little scope for their abilities.' Plymouth expressed concern at the loss of its younger citizens to the suburbs beyond the boundaries: 'it would make for healthier local government if those whose work and social interests were in the city had a share in its government'. *S.W.R.*, pp. 58-59.

⁷ *E.M.R.*, pp. 76, 88. *W.M.R.*, p. 35.

⁸ *W.M.R.*, p. 32. *E.M.R.*, p. 88. *S.W.R.*, pp. 47-48, 59.

⁹ *S.W.R.*, p. 48.

¹⁰ *E.M.R.*, p. 88. *S.W.R.*, p. 28.

tion of effort eradicated. Finally they argued that extension was desirable to tidy up the 'urban fence', by bringing the boundary into line with well-defined features and by ironing-out awkward salients.¹

The counties and those districts threatened with amalgamation denied the continuity of development and community of interest between the county borough and the disputed areas. They stressed the breaks in the development, and the independent social life, separate history and traditions of the outlying areas, which they often described as 'typical villages'.² Beyond mere proximity such places had little affinity with the county borough, and had stronger links to the county areas.³ Such links would become more firm in the future, since County Development Plans often envisaged the outlying areas so developing that they would be even less dependent on the county borough;⁴ and although people in these outer areas did look to the town for some services, this was the result of the natural attraction to any large urban area for adjacent areas and had no implications for local government and administrative boundaries.⁵ And these existing boundaries often followed clear natural features.⁶ The counties and county districts further claimed that at present they provided efficient services, and that no advantages would be gained from all-purpose administration;⁷ indeed the imposition of single-tier government would injure the quality of the services provided in the detached areas and in the remaining county areas.⁸ Caseloads would be disrupted and reduced, catchment areas for example for education would be disorganized, and there would be a loss to the county of those resources, which had enabled the county to give high quality services to its more sparsely populated rural areas.⁹ The loss of population and of rateable value would impair the county's and the district's efficiency,¹⁰ while those very people, who had moved into the suburbs and villages in order to escape from the county borough,¹¹ would be dragged back reluctantly to be burdened with higher rates, yet having fewer representatives.¹² Their interests, their rural way of life and institutions would be neglected, when they were swallowed up by an all-purpose urban authority.¹³ For these reasons so many had protested and petitioned against annexation.¹⁴

¹*W.M.R.*, p. 34. *S.W.R.*, pp. 12, 58.

²*W.M.R.*, pp. 17, 19, 32. *E.M.R.*, pp. 76, 88. *S.W.R.*, pp. 6, 8, 12, 14, 29, 48-49.

³*S.W.R.*, p. 5.

⁴*E.M.R.*, p. 76.

⁵*W.M.R.*, p. 35. *E.M.R.*, p. 76.

⁶*S.W.R.*, p. 5.

⁷*W.M.R.*, pp. 17, 19-20, 32. *E.M.R.*, pp. 64, 76, 88. *S.W.R.*, p. 5.

⁸*S.W.R.*, pp. 5, 6, 48-49, 60.

⁹*E.M.R.*, p. 76. *S.W.R.*, pp. 5, 13, 48-49.

¹⁰*W.M.R.*, p. 20.

¹¹*W.M.R.*, pp. 17, 19, 32, 35. *E.M.R.*, p. 88.

¹²*E.M.R.*, pp. 76, 88.

¹³*W.M.R.*, p. 35.

¹⁴*W.M.R.*, p. 35. *E.M.R.*, pp. 79, 89. *S.W.R.*, pp. 6, 29.

Claims to Undeveloped Land

For the annexation of mainly undeveloped land the county boroughs argued that they required scope for their housing and school building programmes, and area for industry and open space.¹ They claimed that their ownership of land and municipal installations in the undeveloped land was a valid ground for their boundaries to be extended.² In the interests of good planning, they advocated that they should control not only the town area but its environs, including undeveloped and green belt land,³ and they justified claims for other undeveloped ground by the need to obtain a symmetrical shape to their areas and convenient boundaries.⁴

The opposition to the county boroughs' demands argued that the county was the appropriate planning authority for the area around a town, and that it was the most suitable guardian of the green belt, since it viewed the green belt as a whole, and not the town, which would have regard only to the immediate fringes about the town. The county would stop the urban sprawl, but the county borough would allow a seeping through.⁵ They also claimed that if the county borough wished to build houses and schools, and provide sites for industry, land was available within the existing boundaries: and the reclamation of derelict land inside the town was more worthwhile than eating into the countryside.⁶ In addition there was no need for the county boroughs to bring into their area the open spaces and recreation grounds beyond their existing boundaries, because the inhabitants of the towns could still enjoy these amenities, even though they were not incorporated within the county boroughs.⁷ And finally they scoffed at the attempt to base annexation on the principle of ownership, since it could lead to some absurd claims for property many miles from the town.⁸

THE COMMISSION'S DECISIONS

The comments of the Commission on these arguments show which have most weight and which have little effect on the Commission. The Commission interpreted Regulation 11 as follows: 'this requires us to consider how far any built-up areas are not only continuations of the town area of the county borough, but have also closer and more special links with the town area than those arising from mere proximity; whether planned development of land that is not yet built up is likely to lead to its being a continuation of the town area; whether there would be a balance of advant-

¹ *W.M.R.*, p. 18. *E.M.R.*, pp. 63, 76, 89. *S.W.R.*, pp. 5, 28, 59.

² *W.M.R.*, p. 33.

³ *W.M.R.*, p. 33. *E.M.R.*, p. 63. *S.W.R.*, pp. 29, 48.

⁴ *E.M.R.*, p. 89.

⁵ *W.M.R.*, pp. 18, 34. *E.M.R.*, pp. 77, 89. *S.W.R.*, p. 29.

⁶ *W.M.R.*, p. 18. *E.M.R.*, pp. 77, 89. *S.W.R.*, pp. 29, 60.

⁷ *W.M.R.*, p. 18.

⁸ *W.M.R.*, p. 34.

age in making the change, taking into account the interests not only of the people living in the areas to be included but also of the inhabitants of the county boroughs; and the effects on local government organization in the county and county districts affected.¹

Continuity of Development

Thus the Commission was not favourable to claims of the county boroughs to take in undeveloped land or built-up areas cut off from the county borough by undeveloped land. 'There must be continuous development over the boundary, or the prospect of it, before the special links come into the picture at all.'² The Commission's basic assumptions, as we have seen, are that one-tier county borough government is most suitable for predominantly urban areas, and the remaining part of the county should be under two-tier government.³ Also it 'thinks that generally it is appropriate that County Councils and not County Borough Councils should be the guardians of the green belt'.⁴ But it did not mean that no green belt should ever be included in a county borough.⁵

The Commission therefore concentrated first on establishing or disproving 'continuity of development'. It granted to the county boroughs areas joined to them by development on a broad and continuous front, which were essentially urban in character and were thus suburbs of the town.⁶ These areas would still fall to the county boroughs, though in origin they were villages or though their village nuclei survived, if in the process of time they had become physically integrated with the town area⁷ or would be by 1971.⁸ But if the development was broken and not continuous,⁹ and if it was not on a wide front but was mere ribbon development, then the county retained control.¹⁰

As it also did, if the disputed area, for example, a municipal borough with its own town hall, had grown independently of the county borough, possessed an ancient, separate history and was too big to be a suburb.¹¹ The Commission rejected county borough claims to areas which were 'typical villages', essentially rural in character,¹² especially if by the

¹*E.M.R.*, pp. 64-65. In *W.M.R.*, p. 20, this passage occurs but omits the phrase concerning 'planned development'.

²*W.M.R.*, p. 59. *E.M.R.*, p. 98.

³*W.M.R.*, p. 59. *E.M.R.*, p. 97.

⁴*W.M.R.*, pp. 19, 34.

⁵*W.M.R.*, p. 34.

⁶*W.M.R.*, pp. 22, 33, 37. *E.M.R.*, pp. 82, 92. *S.W.R.*, pp. 6, 49.

⁷*E.M.R.*, p. 92. *S.W.R.*, pp. 14-15, 32, 49.

⁸*S.W.R.*, p. 22.

⁹*W.M.R.*, pp. 17, 33. *E.M.R.*, pp. 68, 92.

¹⁰*W.M.R.*, pp. 22, 58. *E.M.R.*, p. 97.

¹¹*W.M.R.*, p. 17. *E.M.R.*, pp. 67, 82.

¹²*S.W.R.*, pp. 8, 36. *E.M.R.*, pp. 68, 92.

County Development Plan it was intended to develop such places so that they would be less reliant on the town and more independent.¹ When the Commission drew the boundary between the county borough and such settlements, it took it up close to the developed part of the town so as to leave as large a section of the green belt as possible severing the two areas, thus encouraging the separate development of the village.² The Commission was even ready to detach such rural areas already part of the county borough from the county borough and give them to the county.³ In considering whether or not development was continuous, the Commission decided that open land put to urban use was not a material break in development. This category comprised smallholdings,⁴ public parks, allotments, school grounds, cemeteries,⁵ airports, refuse tips, sewage disposal units,⁶ caravan sites,⁷ golf courses,⁸ hospital grounds, market gardens,⁹ and in seaside towns certain open spaces laid aside as amenities.¹⁰ This type of area did not nullify continuous development, and was thus granted to the county boroughs, as were built-up areas within the green belt yet surrounded by such land, open but used for urban purposes. Such settlements the Commission regarded as not independent green belt settlements.¹¹

Undeveloped Land and Boundaries

The Commission was prepared to include undeveloped land and village hamlets within a county borough in order to obtain a well defined, sensible and convenient boundary, which it tried to relate to clear physical features or land use divisions.¹² Desirable boundaries were described by the Commission, when examining the West Midlands Special Review Area. These the Commission stated, should be clearly defined, visible on the ground and not mere lines on a map: they should be recognizable by the local people as having significance for them as a community and should have some degree of permanence. The Commission suggested hill-ridges, rivers, railways, canals, the line of a major change in land use and roads, especially Class A and trunk-roads and motor-ways.¹³ The Commission was also prepared to grant undeveloped land to a county borough, if the land was

¹W.M.R., pp. 22, 33. E.M.R., p. 67.

²E.M.R., p. 92. W.M.R., p. 23. S.W.R., p. 10.

³S.W.R., p. 8.

⁴W.M.R., p. 18.

⁵W.M.R., p. 22.

⁶W.M.R., p. 37.

⁷S.W.R., p. 50.

⁸S.W.R., p. 55.

⁹S.W.R., p. 32.

¹⁰S.W.R., p. 55.

¹¹W.M.R., pp. 22, 37.

¹²W.M.R., pp. 18, 19. E.M.R., pp. 83, 92. S.W.R., pp. 8, 12-13, 15, 22, 32.

¹³W.M.R. (*Special Review Area*), Chapter 11, pp. 62-65.

essential for a housing programme,¹ and the Commission would even break an obvious boundary like a motor-way to put a particular vital area within the county borough.² The need of the county borough for such land had to be urgent, otherwise the Commission advocated that the fullest use of land within the town should be made first, and especially the reclamation of derelict land.³

The county boroughs were therefore granted built-up land linked to the town by continuous development, and in certain circumstances undeveloped land, to tidy up a boundary, to provide for essential housing needs and if the land was used for urban purposes. Otherwise open land was regarded as within the scope of the county. The Commission, as we have seen, considered the county council to be the most appropriate guardian of the green belt and protector of open land from county borough expansion. For this reason it rejected the claims of the county boroughs to control not only their town area but also their rural environs. However, different decisions were given on this issue for Bath and Cheltenham. In the latter case the Commission refused to grant Cheltenham part of the Cotswold escarpment held to be of high landscape value, since it could not be regarded and planned as part of the urban growth of Cheltenham.⁴ But Bath was allowed open land up to the crest of the hills surrounding the city, on the grounds that Bath possessed a unique heritage, whose preservation demanded that the city should control the whole of the saucer-like amphitheatre in which it lay.⁵ Apart from a few exceptions, therefore, the Commission worked on the principle that the county borough single-tier, all-purpose authority was suitable for essentially urban areas, and that the county multi-tier and multi-purpose system was suitable for essentially rural areas.

Balance of Advantage

The Commission, however, did reject the county boroughs' claims to some areas linked by continuous development on the grounds that their inclusion would seriously injure the capacity of the county and county districts to provide efficient and convenient services. 'The need to have strong counties capable of providing progressive comprehensive services'⁶ impelled the Commission to override claims justified by the principle of 'continuity of development'. On 'balance of advantage' the Commission refused to support the county boroughs' claims to areas which contained a substantial part of the county's population and rateable value, and which were the

¹*E.M.R.*, p. 83.

²*E.M.R.*, p. 68.

³*W.M.R.*, p. 19.

⁴*S.W.R.*, p. 22.

⁵*S.W.R.*, pp. 32-34.

⁶*E.M.R.*, p. 19.

administrative centres and bases for county services over a wider area of the county than the mere disputed area, notably for the sparsely populated rural hinterlands. If the county borough claims had been accepted, it was argued that the county would have lost convenient bases for its decentralized services, and its catchment areas and caseloads for numerous services would have been seriously disrupted.¹ For example, in Leicestershire the urban districts of Oadby and Wigston were together a valuable base particularly for secondary education to South East Leicestershire.² Birstall and Thurmaston performed a similar function in the north of the county with regard to health and education services;³ and for this reason they were kept out of Leicester City, despite continuity of development and community of interest between the areas. But the balance of advantage did not always tip in favour of the counties, and the Commission did pay attention to the positive advantages accruing to the county borough and suburbs as well as to the negative disadvantages befalling the county. At Bath, Gloucester and Exeter for instance, the Commission decided that integration under an all-purpose authority would produce a more co-ordinated education policy, chiefly for further and secondary education; children in the included areas would enjoy a wider choice of schools and would find their travelling time reduced, especially important if they were to pursue extra-curricular activities at school after school hours; health services, home helps, and health visitors could be better organized; homes for the old and the blind and occupational centres would be more directly available and more conveniently accessible, and the numerous inter-authority arrangements could be set within more easily manageable limits.⁴ In disputed areas where the services were closely interwoven with the county and county borough the Commission advised inter-authority cross-boundary agreements. For Torbay it advised them with regard to the use of technical colleges, schools of art and children's service reception centres, and for police and ambulance services.⁵ And in its draft proposals for Derby the Commission for the first time made some general comments on this issue.

'Many built-up areas fringing large towns contain schools which also serve the rural hinterland. If this fact by itself were accepted as a sufficient reason for leaving such areas in counties, the very areas which most clearly belong to and are part of the large towns would often have to be left outside them. There is, however, no reason why when such areas become part of the county borough, cross-boundary arrangements should not be made for the children from rural areas and the Commission have assumed that the county borough council would be ready to make

¹*W.M.R.*, p. 17. *E.M.R.*, pp. 67, 82, 83. *S.W.R.*, pp. 6, 10, 60.

²*E.M.R.*, p. 82.

³*E.M.R.*, p. 83.

⁴*S.W.R.*, pp. 15-16, 35, 50.

⁵*S.W.R.*, pp. 56-57.

any reasonable arrangements. The Commission appreciate that some problems would be bound to arise, if only because of the amount of school building that has taken place since the war in the areas to be transferred; these problems can, however, be solved given willingness on both sides.¹

The Commission, therefore, paid great attention to the 'balance of advantage' argument, being concerned to ensure competent county authorities, even if this meant over-ruling the claims based on 'continuity of development'.

Community of Interest

It was also bound by the Regulations to have regard to 'community of interest', those special links more than mere proximity which connected one area to another. In the East and West Midlands the Commission never considered this aspect as decisive: there had to be continuity of development before the special links came into the picture at all,² and no one of them was held to be over-riding. The Commission described the kinds of links put to it as:

'the journey-to-work pattern; the use of a town centre for shopping, entertainment and professional services; the provision of sewerage, water supply or other local government services by one authority for another; the building of council houses by one authority in another's area and voluntary migration from the town to privately built houses in the areas around: as well as a variety of arguments based on history, tradition and social habits.'³

To accept all these claims, the Commission said, would logically entail putting Brighton into London or all the West Midlands into Birmingham. Thus, it is apparently a waste of time for a county borough to undertake sociological research to discover the area for which it is the 'natural centre' of, say, fifteen miles radius, and to hope that the Commission will grant that area or even a substantial part of it to the county borough. But in its examination of the West Midlands Special Review Area the Commission was far more inclined to see the relevance of 'community of interest' for local government areas. It said:

'Most of the people who have moved out continue to make daily use of the two centres for work, shopping, professional advice, entertainment and many other services. Yet they no longer have any say or responsibility as local government electors in the planning of the town or in matters which are of daily concern to them such as corporation transport, traffic control, parking and so on. We are sure that this divorce of inte-

¹*Draft Proposals for the York and North Midland General Review Area*, para. 10.

²*W.M.R.*, p. 59. *E.M.R.*, p. 98.

³*W.M.R.*, p. 59. *E.M.R.*, p. 98.

rests is a powerful factor in bringing about a state of apathy and indifference in local government.¹

And the Commission when discussing the general principles behind their recommendations stated that local government:

'should draw its strength from, and be the expression of, the local community it serves. It should grow out of the needs of the local community, be focused on a recognizable centre and be concerned with an area which can be readily comprehended by the people living there as a distinct unit.'²

These statements indicate that in the Special Review Area of the West Midlands the Commission was more ready than in the other areas to concern itself with the 'community of interest' factor.

Although it would be fruitless for county boroughs to base large hopes on the argument of special links, it would be useful for them to use evidence of 'community of interest' to reinforce a claim resting on 'continuity of development'. In Gloucester, for instance, the Commission said that 'we were impressed by the city council's evidence about community of interest'.³ Aerial photographs had been produced to show that two built-up parishes were an extension of the town area, while 'close and special links' were claimed by the fact that 'a high proportion of their residents had come from the city - an even higher proportion worked there. Officers and members of numerous cultural, recreational and social organizations in the city lived in these areas and many of their parish councillors took an active part in the life of the city. The amount of road traffic between the city and these areas was in itself strong evidence of the links'.⁴ Counties, too, would find it useful to press the 'community of interest' argument in order to support a contention that some villages were not part of the town area of a county borough. The Commission always took into account whether or not a village was economically and socially closer to the town or to the county area, whether it looked more to the one or the other,⁵ but it would be foolish for the county to plead that, because a genuine suburb possessed strong community feelings, for example, through clubs, village institutes and sports teams, therefore it should not be included within the county borough. Such independent life and character need not be materially affected by absorption within the county borough boundaries, and could continue irrespective of the areas of local government.⁶

Ownership

The Commission rejected any county borough's claim based on the

¹ *W.M.R. (Special Review Area)*, p. 19.

² *Ibid.*, p. 79.

³ *S.W.R.*, p. 13.

⁴ *Ibid.*, p. 13.

⁵ *Ibid.*, p. 7. *E.M.R.*, p. 69.

⁶ *W.M.R.*, p. 60. *E.M.R.*, p. 98. *S.W.R.*, p. 34.

principle of ownership alone, that is of the ownership of land or municipal installations in the county area by a county borough. To base expansion on this ground, said the Commission, would lead to absurd situations.¹ If, however, in an area linked by continuous development and community of interest to a county borough, the town owned, for example, a housing estate, children's home and primary school, then that area would most likely be granted to the county borough as at Bristol.²

DRAFT PROPOSALS

In addition to these Final Proposals the Local Government Commission has also published Draft Proposals for the North East,³ and York and North Midland⁴ General Review Areas, and the West Yorkshire⁵ and Tyneside⁶ Special Review Areas. These proposals include a consideration of the claims of ten county boroughs for expansion; Derby, Doncaster, Kingston-Upon-Hull, Nottingham, Rotherham, Sheffield, York,⁷ Sunderland, Darlington, and The Hartlepoons.⁸ In its consideration of these claims the Commission has followed the lines laid down by its previous decisions and has not departed from its instructions, assumptions and attitudes. It remains to be seen how these draft proposals will emerge in final form.

THE TWO APPROACHES

Finally, two general points on the approach of the Commission. During its survey of Nottingham it asserted its right to take an initiative. No authority in the vicinity had made any suggestions for altering the area of the city. The Commission stated that its role was not 'merely to consider suggestions from local authorities': it was bound by the Regulations to review the organization of local government and to make any proposals it deemed desirable. In this spirit it made its own assessment of the needs of the Nottingham area and came to its own conclusions.⁹ A slightly similar case had arisen at Luton, which had not specifically laid claim to Dunstable, but had suggested that the Commission consider the advantages of including it in Luton.¹⁰ The Commission had said that even if Luton had not made

¹*W.M.R.*, p. 34. *S.W.R.*, p. 8.

²*S.W.R.*, p. 8.

³Draft report cited after as *N.E.R.*

⁴Draft report cited after as *Y.N.M.R.*

⁵July 1962.

⁶February 1962.

⁷*Y.N.M.R.*

⁸*N.F.R.*

⁹*Y.N.M.R.*, para. 23.

¹⁰*E.M.R.*, p. 63.

the suggestion, it would 'still have been necessary for us to look at the arguments for and against such a step'.¹ And secondly, the Commission when deciding whether a town should be a county borough appears to have adopted a slightly different approach when the town is already a county borough, from that when the town wishes to become one. For Luton it claimed that it first considered if the town should become a county borough, and then, following an affirmative answer, considered the area the county borough should cover.² But for Bath it rejected the accusation that it had first decided whether the town should remain a county borough, and having decided that it should, had then sought to build its population up to the required level. It first considered what areas the town should include, and then decided if the town with these legitimate extensions should remain a county borough.³

The Local Government Commission says that its task is to have regard 'to whatever makes for effective and convenient local government in a particular area', and in doing so it has always to take into account the matters set out in the Regulations.⁴ These circumscribe the scope of the Commission and lay down as it were the lines it must follow. Within this framework the Commission treats each case on its merits, and since the circumstances of no two towns are exactly alike there is no guarantee that recommendations made for one area will be repeated elsewhere. However, the Commission was so impressed by the similarity of the claims put by the county boroughs that it concluded its Reports on the East and West Midlands,⁵ but not on the South West, with an identical chapter of general remarks on the expansion of county boroughs. A study of this chapter and an analysis of the Commission's specific proposals in final and draft form suggest that it is following definite and consistent lines.

¹*E.M.R.*, p. 67.

²*Ibid.*

³*S.W.R.*, p. 31.

⁴*S.W.R.*, p. 32.

⁵*W.M.R.*, Chapter VI, pp. 55-61. *E.M.R.*, Chapter VII, pp. 94-99.

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